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IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS FAYETTEVILLE DIVISION

RAY WESLEY DEAVER, JR.

PLAINTIFF

v.

Civil No. 07-5116

CAPTAIN HUNTER PETRAY; DEPUTY CLARK; and DEPUTY VANETTA

DEFENDANTS

ORDER

Defendants filed a motion for summary judgment (Doc. 16). To assist plaintiff in responding to the motion for summary judgment, the undersigned is propounding a questionnaire. The court will consider plaintiff's response to the questionnaire in issuing a report and recommendation on the motion for summary judgment.

For this reason, Ray Deaver is hereby directed to complete, sign, and return the attached response to defendants' motion for summary judgment on or before August 11, 2008. Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.

IT IS SO ORDERED this 18th day of July 2008.

|s| J. Marschewski

HON. JAMES R. MARSCHEWSKI UNITED STATES MAGISTRATE JUDGE

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IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS FAYETTEVILLE DIVISION

RAY WESLEY DEAVER, JR.	PLAINTIFF
v.	Civil No. 07-5116
CAPTAIN HUNTER PETRAY; DEPUTY CLARK; and DEPUTY VANETTA	DEFENDANTS
RESPONSE TO	SUMMARY JUDGMENT MOTION
TO: RAY DEAVER	
These questions and answer	s will serve as your response to defendants' motion for
summary judgment. You may use ac	dditional sheets of paper in responding to these questions.
You must file this response by Augu	ist 11, 2008.
1(A). You were booked into	the Benton County Detention Center (BCDC) on August
9, 2006, on residential burglary, thef	t of property, and failure to appear charges.
Agree Disagree	Without knowledge to agree or disagree
If you disagree, explain. In e	explaining, please refer to Defendants' Exhibit 1 at pages
1 and 2.	

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	(E). You	were booked into the	ne BCDC again on May 1	10, 2007, on probation violati
harge	es.			
	Agree	Disagree	Without knowledge t	to agree or disagree
	If you disa	igree, explain. In ex	xplaining, please refer to	Defendants' Exhibit 1 at pag
	7.			
	(-)			
	(F). You v	were released on M	ay 14, 2007.	
	Agree	Disagree	Without knowledge t	to agree or disagree
	If you disa	igree, explain. In ex	xplaining, please refer to	Defendants' Exhibit 1 at pag
	7.			
	7.			
	7.			
	7.			
	7.			
	7.			
		were booked back i	into the BCDC on May 2	25, 2007, on a probation
	(G). You		into the BCDC on May 2	

Agree Disagree Without knowledge to agree or disagree . If you disagree, explain. In explaining, please refer to Defendants' Exhibit 1 at page 10. (H). You remained incarcerated at the BCDC until September 4, 2007. Agree Disagree Without knowledge to agree or disagree . If you disagree, explain. In explaining, please refer to Defendants' Exhibit 1 at page 10. 2. Hunter Petray was employed by the BCDC as a Captain from August of 2006 until September of 2007. Agree Disagree Without knowledge to agree or disagree . If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 1.

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Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 4. It is the policy and practice of the BCDC to check and record inmates' dietary requirements during booking. Agree Disagree Without knowledge to agree or disagree		
Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 4. It is the policy and practice of the BCDC to check and record inmates' dietary requirements during booking. Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 5. An inmate of the BCDC receives a vegetarian tray only if health or religious reasons are disclosed by the inmate during booking.		3. Petray was employed as a Captain during all times you were incarcerated at the
4. It is the policy and practice of the BCDC to check and record inmates' dietary equirements during booking. Agree	3CD0	C.
4. It is the policy and practice of the BCDC to check and record inmates' dietary equirements during booking. Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 5. An inmate of the BCDC receives a vegetarian tray only if health or religious easons are disclosed by the inmate during booking.		Agree Disagree Without knowledge to agree or disagree
Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 5. An inmate of the BCDC receives a vegetarian tray only if health or religious easons are disclosed by the inmate during booking.		If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶
Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 5. An inmate of the BCDC receives a vegetarian tray only if health or religious easons are disclosed by the inmate during booking.		
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Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 5. An inmate of the BCDC receives a vegetarian tray only if health or religious easons are disclosed by the inmate during booking.		
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 5. An inmate of the BCDC receives a vegetarian tray only if health or religious easons are disclosed by the inmate during booking.		4. It is the policy and practice of the BCDC to check and record inmates' dietary
5. An inmate of the BCDC receives a vegetarian tray only if health or religious easons are disclosed by the inmate during booking.	equii	
5. An inmate of the BCDC receives a vegetarian tray only if health or religious easons are disclosed by the inmate during booking.	equii	
easons are disclosed by the inmate during booking.	equir	rements during booking.
easons are disclosed by the inmate during booking.	equii	Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶:
	equii	Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶:
Agree DisagreeWithout knowledge to agree or disagree	equii	Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶
		Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 5. 5. An inmate of the BCDC receives a vegetarian tray only if health or religious

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6. The BCDC do	es not normally g	ive an inmate a ve	getarian tray if the inmate	has
not disclosed a health or	religious reason f	or receiving a vege	etarian tray during bookin	g.
Inmates are not permitted	d to receive a vego	etarian tray based o	on mere preference.	
Agree Dis	sagreeW	ithout knowledge	to agree or disagree	·
If vou disagree, e	xplain. In explai	ning, please refer t	o Defendants' Exhibit 5 a	t¶5.
, ,	1	<i>C</i> , 1		"
7. Although you	did not disclosed	a health or religiou	as reason for receiving a	
vegetarian tray during yo	ur booking on Au	igust 9, 2006, you 1	began receiving a vegetar	ian tr
on September 6, 2006, be	ecause you allege	d the normal tray y	ou were receiving made y	ou il
Agree Dis	sagreeW	ithout knowledge	to agree or disagree	
If you discourse of	unlain. In aunlain	aina mlaaga mafan ta	Defendants! Exhibit 5 et
ii you disagree, e.	xpiain. In expiair	iing, piease reier to	Defendants' Exhibit 5 at	η О.
				-

during booking on March 22, 2007, and therefore did not receive a vegetarian tray upon your request.
A constant Discourse With cost loss and design and discourse discourse
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 7.
9. When you were booked in on May 10, 2007, you indicated to jail staff during
booking that you were vegetarian and lactose intolerant.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 8.
10. On May 27, 2007, when you complained that you were sick and needed a
vegetarian tray one was authorized.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 9.

11.	On August 18, 2007, you complained the cheese on the vegetarian tray was
making yo	u sick. Jail personnel told you that cheese was a part of the vegetarian tray and y
	t to eat it or not.
	ree Disagree Without knowledge to agree or disagree
If y	ou disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 10
12.	You received a vegetarian tray during each incarceration when you disclosed a
	eligious reason for receiving a vegetarian tray during booking.
Ag	ree Disagree Without knowledge to agree or disagree
If y	ou disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 11
13.	You also received a vegetarian tray during your first incarceration even though

booking.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 5 at ¶ 11.
14. When you were booked in on August 9, 2006. You completed a medical
questionnaire. You did not indicate you were on a special diet or were a vegetarian.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain.
15(A). On August 11th Deputy Undiano was handing out whites to inmates in
holding cell two. You had three white tee-shirts and two pairs of socks. Undiano asked you
why you had extra whites. You responded you didn't know. Your extra whites were
confiscated and you were locked down for having extra whites.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
1.

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	(D) Van massimal a dissiplinam for some seling items from init staff. Van had a
	(B). You received a disciplinary for concealing items from jail staff. You had a
discip	linary hearing and were found guilty and given five days lock-down and loss of
privile	eges.
	AgreeWithout knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at pag
	2.
	(C). You appealed and the decision was upheld.
	Agree Disagree Without knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at pag
	2.
	-

16. You made your first request for a vegetarian diet when you submitted a medical
request on August 18th. You stated you had been incarcerated for a little over a week and
were a vegetarian. You stated you were only eating bread and what wasn't meat. You
indicated you had been a vegetarian for two and a half years and didn't believe you were
getting the nutrients you needed.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
1.
17. In response, Petray stated you would remain on your same diet.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
1.
18. What day did you start receiving a vegetarian tray? (Was it September 6th?).
Answer:

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	19(A). On September 1st Deputy Clark was assigned to booking. Sgt. Faulkenbury
instru	cted the deputies to inform the juvenile inmates, including you, during "power shift" i
to star	nd at the window and lay down. All juvenile inmates were told this was their first and
only v	varning or they would be locked down.
	Agree Disagree Without knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
	3.
	J.
	(B). A short time later, Clark observed you and two other juvenile inmates standing
at the	window. All three of you were put on lock-down for disobeying the order of a deput
	Agree Disagree Without knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
	3.

down and Ag	oss of privileges. ee Disagree		guilty, and given ten days lock-
down and Ag	oss of privileges. ee Disagree		
down and Ag	oss of privileges. ee Disagree		
down and Ag	oss of privileges. ee Disagree		
down and Ag	oss of privileges. ee Disagree		
Ag If y	eeDisagree	Without knowledg	
If y		Without knowledg	
	ou disagree, explain. In		ge to agree or disagree
		explaining, please refer	to Defendants' Exhibit 3 at page
7.	<i>5</i> / 1	1 3,1	1 2
(D)	Vary ammaalad and tha	decision was modified.	to run with the lock-down on
		decision was modified	to full with the fock-down on
September	4th.		
Ag	ee Disagree	Without knowledg	ge to agree or disagree
If y	ou disagree, explain. In	explaining, please refer	to Defendants' Exhibit 3 at page
4.			
т.			
20(A). On September 2nd	you submitted a grievan	ce. You stated you were getting
vegetarian	ray but were supposed	to get peanut butter for l	unch and dinner. You indicated
-02	and the supposed	6- F - 200 - 200 - 101 I	

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was already approved. You said the cheese made you sick.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
2.
(B). In response you were told you asked for vegetarian trays and were getting them.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
2.
21(A). On September 4th Deputy Echols called over the speaker into B-180 for all
inmates, including you, to close your doors. Since you were already on lock-down you were
told to got in your cell and shut your door.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
5.

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	(B). You were sitting at the day-room table. Echols again ordered you back to your
cell an	nd shut your door. She told you that you were being locked down for refusing an order
of a de	eputy.
	Agree Disagree Without knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
	5.
	(C). You were given a disciplinary for refusing to obey the order of a deputy.
	Agree Disagree Without knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
	6.

(D). You were given a hearing, found guilty, and given ten days lock-down with loss
of privileges.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
6.
Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 6. (E). You appealed and the decision was modified to two days. Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page 6. 22. On September 4th you submitted a grievance that you had been put on lock down ving your door open when it was closed. You also stated you did not receive recreation agh the books said you received it. Agree Disagree Without knowledge to agree or disagree
(E). You appealed and the decision was modified to two days.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
6.
22. On September 4th you submitted a grievance that you had been put on lock down
for having your door open when it was closed. You also stated you did not receive recreation
although the books said you received it.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page

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3.				
23. II	response,	Major Drake stat	ted the control pane	l was checked and operated
properly. He	stated the l	ight indicator sho	owed your door was	s open. He stated you have and
would receive	e recreation			
Agree	Dis	sagreeV	Without knowledge	to agree or disagree
If you	disagree, e	xplain. In explai	ining, please refer to	o Defendants' Exhibit 4 at page
3.				
24(A)	. On Septe	mber 30th you co	omplained that you	hadn't received recreation for the
third time tha	t week. Yo	ou indicated that	also meant you wer	e not getting your shower or the
opportunity to	read the p	aper.		
Agree	Dis	sagreeV	Without knowledge	to agree or disagree
If you	disagree, e	xplain. In explai	ining, please refer to	o Defendants' Exhibit 4 at page
4.				

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	(B). The back side of your grievance is not contained in the exhibit. You apparently
also co	mplained about your use of the phone. Please state what the problem was with your
use of	the phone.
	Answer:
	(C). In response, Petray stated he had checked your phone records and you were
being a	allowed to use the phone. He stated you had attempted thirty-two phone calls last
week.	He indicated he would check on the other matters.
	AgreeWithout knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
	4.

access to the newspapers? Answer: Yes _____ No _____. If you answered yes, please state how often you received an opportunity for recreation, showers, and access to newspapers. If you answered no, please state: (a) whether you could exercise in your cell or in the day-room; (b) whether you had access to basic hygiene items such as soap and water; and (c) whether you had access to any news such as through radio, television, magazines etc.

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25. On October	10th you submitte	ed a request stating	you needed to talk to the Boone
County Public Defender	You also stated	you needed to look	at a warrant that came in from
Boone County. In respo	onse you were told	I they did not have	the address for the Boone
			dential burglary, theft of
		variant was for resi	deficial outginery, their of
property and criminal m			
Agree Di	sagreeV	Without knowledge	to agree or disagree
If you disagree,	explain. In explai	ning, please refer to	o the Defendants' Exhibit 4 at
page 5.			
26. On October	10th you submitte	ed a grievance. Yo	u stated you had not gotten

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recreation for "like 3 days." Also twice that week you stated that the staff only popped your
door for recreation and didn't wake you up. You said you had a sleep disorder and when you
were asleep you were knocked out. You complained that you were not receiving proper
sanitation, hygiene, or exercise.
Agree DisagreeWithout knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
6.
27. In response, Petray stated that cleaning supplies are given to you to clean your
room. He stated it was your responsibility to clean. He stated they called recreation and it
was not their job to wake you up. He told you that you could file whatever paperwork you
wanted.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
6.

28. During your incarceration at the BCDC from March 22, 2007, to March 27, 2007
did you receive a vegetarian tray for any meals?
Answer: Yes No
If you answered yes, please state how many meals you received a vegetarian tray for.
29. On May 27, 2007, you submitted a medical request stating you were a vegetarian
and were not getting your special tray. You indicated that for the past the three or four days
you had only been eating breakfast. You asked if someone could get this fixed before you go
sick.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
7.
30. In response, a vegetarian tray was ordered by Nurse Garrett on May 30th.
AgreeDisagreeWithout knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 2 at page

	1.
	31. On June 10th you submitted a grievance in which you complained that the
oothp	aste you received was expired. You stated that when you finished brushing your tee
your fe	elt sick. You indicated you had to quit brushing your teeth because of this.
	Agree Disagree Without knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at pag
	8.
	32. In response, Petray stated there was nothing wrong with the toothpaste that wa
oassed	out there.
	Agree Disagree Without knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
	8.

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33. On	June 23rd Deputy He	rnandez was passing ou	t medication. He opened the
door to D-153.	You walked from D-	-153 to D-150 and were	looking into the pod. Hernand
asked you to co	me and get your med	ication and let you know	v there should be no reason for
you to look into	any other pod.		
Agree_	Disagree	Without knowledge	to agree or disagree
If you di	isagree, explain. In e	xplaining, please refer to	o Defendants' Exhibit 3 at page
7.			
, ,			
34. You	ı responded: "What l	do to the black guy I'm	going to do to you."
Agree_	Disagree	Without knowledge	to agree or disagree
If you di	isagree, explain. In e	xplaining, please refer t	o Defendants' Exhibit 3 at page
_		r est	T. G.
7.			
			ou that if you came out to get

medication not to come out and run your mouth. You moved forward towards Hernandez
and asked if he was going to kiss him to.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
7.
36. Hernandez placed you on the floor and he and Adams handcuffed you.
Hernandez advised you to get to your knees and face the wall. Hernandez again advised you
that when you came out to get medication you needed to follow orders and not talk back.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
7.
37. You were escorted back into the pod and advised to go to your cell and gather
your belongings because you were being locked down.
Agree Disagree Without knowledge to agree or disagree

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	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
	10.
	43. Stival instructed you to grab all your belongings and go out to D pod control. He
told yo	ou that you were being locked down for disobeying the order of a deputy.
	Agree Disagree Without knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
	10.
	44. On August 18th, Deputy Simmons was in E-103 cell 130 doing cell checks when
he cam	ne across twenty-eight pieces of yellow paper. You stated the paper belonged to you.
Simmo	ons informed you that you were going to be locked down for concealing items from jail
staff.	
	Agree Disagree Without knowledge to agree or disagree
	If you disagree, explain. In explaining, please refer to Defendants' Exhibit 3 at page
	11.

		X 7	. 1		C 1	•1,	1	1 1 1
4:	S(A).	You were	e given a di	isciplina	ary, found g	uilty, a	nd given ten d	ays lock down
and loss	of priv	ileges.						
A	gree_	Di	sagree	W	ithout know	vledge	to agree or disa	agree
If	you d	lisagree, e	explain. In	explain	ing, please	refer to	Defendants' E	Exhibit 3 at pag
1.	3.							
(I	3). Yo	ou appeal	ed the deci	sion and	d the lock-d	own wa	as modified to	five days.
A	gree	Di	sagree	W	ithout knov	vledge :	to agree or disa	agree
	_							
П	you a	isagree, e	expiain. in	expiain	ing, please	reier to	Defendants' E	xnibit 3 at pag
1.	3.							
40	6. On	August 1	8th you co	mplaine	ed that for d	inner y	ou got cheese.	You stated th

was no way you got 2300 calories that day. Additionally you said you could not eat the
cheese because it made you sick. You stated for them to ask the Sheriff about the juvenile
last year and he would tell them he didn't get cheese. You stated the Sheriff was the one that
made sure you didn't get cheese.
Agree Disagree Without knowledge to agree or disagree
If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
9.
47. In response, you were told you were on a vegetarian diet and the kitchen put
47. In response, you were told you were on a vegetarian diet and the kitchen put cheese on the trays instead of meat.
cheese on the trays instead of meat.
cheese on the trays instead of meat. Agree Disagree Without knowledge to agree or disagree
cheese on the trays instead of meat. Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
cheese on the trays instead of meat. Agree Disagree Without knowledge to agree or disagree If you disagree, explain. In explaining, please refer to Defendants' Exhibit 4 at page
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case 5:07-cv-05116-JLH Document 19 Filed 07/18/08 Page 32 of 44 PageID #: 143 Answer: Yes _____ No ____. If you answered yes, please explain in detail how you believe this lock-down violated your federal constitutional rights in view of the fact that you received a disciplinary hearing and appealed the hearing decision. If you answered no, please explain in detail how you believe Clark violated your federal constitutional rights.

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49. You alleged	that Deputy Vane	tta locked you dow	n. However, there are	re no
incident reports or discip	olinary action forn	ns indicating he evo	er locked you down.	Please state
in detail when you believ	ve he locked you	down. If you have	documentation to sup	port your
claim, please attach it to	this response. If	you have no docun	nentation, please expl	ain why
you do not.				
Answer:				

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50. Did you suff	er any physical in	jury as a result of r	not receiving a vegetarian diet the
entire time you were at t	he BCDC?		
Answer: Yes	No	_•	
If you answered	yes, please state:	(a) the physical inj	ury you suffered; (b) the
symptoms you experience	eed; (c) the severit	y of those symptor	ms; (d) whether you sought, or
received medical treatme	ent; (e) the treatme	ent you received; (f) how long it took you to

recover from the injuries; and (g) attach to this response medical records establishing the existence of the injuries or the effect of the diet you received on your health. If you do not have any records, explain to the court why you do not have any records.

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5	51. You mainta	in you received ex	xpired toothpaste.	Please indicate: (a) the
expiratio	on date on the to	oothpaste; (b) the o	date you received the	he toothpaste; (c) whether you
suffered	any physical in	jury because of the	e toothpaste; (d) th	e injuries you suffered; (e) the
sympton	ns you experien	ced; (f) the severit	ry of those symptor	ns; (g) whether you sought, or
received	, medical treatm	nent; (h) and how	long it took you to	recover.
A	Answer:			

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52.	With respec	et to recreation/exe	ercise, please state:	(a) how often a week you had
the opportu	nity to go to	recreation; (b) wh	ether you had acce	ss to a day-room; (c) whether
you could o	lo exercises s	uch as sit ups or p	oush ups in your ce	ll or the day-room; (d) what is
the longest	period of tim	ne vou went withou	ut receiving an opp	portunity for recreation; (e) did
you suffer a	any physical i	injury as a result o	of not receiving suff	ficient opportunity to exercise
and (f) if yo	ou did suffer	any physical injur	y, explain in detail	what physical injury you
suffered.				

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53. Please state:	(a) if you were a	able to send and rec	eeive personal mail; (b) if you
were able to send and rec	ceive legal mail; (c) if you had acces	s to a phone; (d) if you had an
attorney representing you	ı on your crimina	l charges; (e) did yo	ou have access to books or
magazines; (f) did you ha	ave access to radio	o or news broadcas	ts; and (g) did you have access
to newspapers.			

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54. Please state:	(a) if you had a j	ail uniform or clotl	ning; (b) if you had a bunk or
mattress to sleep on; (c)	if you had shoes,	sandals, or slippers	s; (d) if you received three meals
a day; and (e) if you rece	eived something to	drink with each n	neal.

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55.	Please state	in detail how you	believe Petray viol	ated your federal constitutional
rights.				
Ansv	wer:			

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				ounty was the moving force
behind your being	g deprive	d of your federa	l constitutional rigi	hts?
Answer:	Yes	No	·	
If you ans	wered ye	es, please explain	n in detail the custo	om or policy and how it operated
to deprive you of	your fed	eral constitution	al rights.	

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			ndividual capacity or in their
official capacity. A suit	against an individ	ual in their official	capacity is the equivalent of a
suit against the entity for	which the individ	lual works. Such a	a suit requires the showing of a
custom or policy. An inc	dividual capacity	suit requires notice	and subjects the person to
liability in their personal	capacity. Did yo	u intend to sue the	defendants in their official
capacities, their individu	al capacities, or in	both capacities?	
Answer:			

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any further response you would like to make to defendants' motion for
If you have any exhibits you would like the court to consider, you ma
esponse.
espense.
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I DECLARE UN	DER PENALTY	Y OF PERJURY TH	IAT THE FOREGOING IS
TRUE AND CORRECT			
EXECUTED ON	THIS	DAY OF	2008.
		RAY DEAVER	
		KAI DEAVEN	L